

REMARKS:

In the above-referenced office action, the examiner indicated that claims 3, 6-8, 13 and 17-19 were allowed whereas claims 1, 2, 9-12 and 14-16 were rejected.

As the examiner can see, claims 1, 2, 10-12 and 14-16 have been cancelled. The amendment of the claims to exclude certain subject matter is made without prejudice and Applicant has no intention at this time to abandon that subject matter. Applicant hereby expressly reserve right to pursue the same or similar subject matter in a continuing application or a continuation-in-part application.

Regarding claim 9, it is noted that the examiner stated "the specification, while being enabling for the flax cultivar M5791 with seeds having greater than 70% linolenic acid...". In view of this, it is believed that the amendment of claim 9 to depend only claims which have been allowed is proper and overcomes the objection to claim 9 under 35 USC 112. It is noted that while applicant does not agree with the examiner's position and intends to pursue these or similar claims in a continuing or continuation-in-part application, this amendment is being made to further prosecution of the application.

Claims 6 and 13 have been amended to remove extra periods.


Regarding the amendment to the specification, the page numbers of the tables, claims and abstract have been amended so that the tables appear before the claims. It is believed that this amendment has been done in accordance with USPTO practice. In the event that this is not the case, it is respectfully requested that the examiner contact the undersigned so that suitable corrected pages can be submitted.

It is believed that the above amendments have put the application in good order for allowance.

In view of the foregoing, further and more favorable consideration is respectfully requested.

Respectfully submitted

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Enc.(15)

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent And Trademark Office on the date shown below.


Michael R. Williams

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